

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RHONDA MCGOWAN, ET AL.,

Plaintiffs,

No. 16-13216

v.

District Judge Terrence G. Berg  
Magistrate Judge R. Steven Whalen

KROGER DISTRICT I,

Defendant.

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**ORDER**

Before the Court is Plaintiffs' Motion to Compel [Doc. #57]. They request the Court to order Defendant to answer their interrogatories and requests to produce documents.

Plaintiffs' request to produce documents was the subject of a previous motion to compel [Doc. #49], which was resolved by stipulated order [Doc. #54]. The present motion is therefore MOOT as to the requests to produce.

Defendant states that it received the Plaintiffs' interrogatories, via Priority Mail Express, on the same day it receive the present motion, September 29, 2017. The Certificate of Service and the Priority Mail Express envelope show that the interrogatories were mailed on September 28, 2017. This was the same date the present motion was filed. Because Defendant has 30 days to respond to interrogatories, the present motion was filed prematurely, and therefore should be dismissed.

Accordingly, Plaintiffs' Motion to Compel [Doc. #57] is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: December 4, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on December 4, 2017, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen